## COUNCIL MEETING AGENDA

Pineville Meeting Hut Tuesday, April 9, 2019 6:30 p.m.



#### PINEVILLE TOWN COUNCIL AGENDA 6:30 P.M. - PINEVILLE HUT MEETING FACILITY TOWN OF PINEVILLE, NORTH CAROLINA TUESDAY, APRIL 9, 2019

- 1) Call Meeting to Order:
  - a) Pledge Allegiance to the Flag: (DF)
  - b) Moment of Silence:
- 2) Adoption of Agenda:
- 3) Approval of the Minutes from the: Regular and Closed Sessions of March 12, 2019 and the Work Session of March 25, 2019
- 4) Consent Agenda: a) Financial Report as of March 31, 2019; b) Proclamations for the 50<sup>th</sup> Anniversary of Municipal Clerk's Week; National Police Week and Public Works Week (Barbara Monticello).
- 5) Public Comment:
- 6) Old Business:
  - A. Proposed Amendment to the Town Code for On-Street Parking (Travis Morgan)
    Continuation of the Discussion Pertaining to Vehicles/Equipment Over 80 Inches Wide (ACTION ITEM).
- 7) New Business:
  - A. Municipal Election Filing Fees (Barbara Monticello) Determine Filing Fees for November Election (ACTION ITEM).
  - B. Presentation of New Garbage Ordinance (Travis Morgan) To Strengthen Regulations Pertaining to Garbage (ACTION ITEM).
  - C. Citizens' Transit Advisory Group (Barbara Monticello) Name Citizen to Fill Unexpired Term of Previous Member (ACTION ITEM).
  - D. Staff Update:
    - 1) Manager's Report
    - 2) Calendar of Events
- 8) Closed Session: Discussion of matters pursuant to NCGS 143-318.11(4), economic development
- 9) Adjourn

If you require any type of reasonable accommodation as a result of physical, sensory, or mental disability in order to participate in this meeting, please contact Barbara Monticello, Clerk of Council, at 704-889-2291 or <a href="mailto:bmonticello@pinevillenc.gov">bmonticello@pinevillenc.gov</a>. Three days' notice is required.

## **MINUTES**

Minutes from the Regular & Closed Sessions of March 31, 2019 and the Work Session Minutes of March 25, 2019



#### MINUTES OF THE TOWN COUNCIL MEETING OF THE TOWN OF PINEVILLE, NORTH CAROLINA TUESDAY, MARCH 12, 2019

The Town Council of the Town of Pineville met in Regular and Closed Session on Tuesday, March 12, 2019 at 6:30 p.m. at the Hut Meeting Facility in Pineville.

#### **ATTENDANCE**

Mayor: Jack Edwards

Mayor Pro-Tem: David Phillips

Council Members: Debbie Fowler, Melissa Davis and Joe Maxim

Town Manager: Ryan Spitzer

Planning & Zoning Director: Travis Morgan was not in attendance

Town Clerk: Barbara Monticello

#### **CALL TO ORDER**

The meeting was called to order by Mayor Jack Edwards at 6:38 p.m. due to some A/V technical issues.

#### PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Jack Edwards led the group in the Pledge of Allegiance.

#### **MOMENT OF SILENCE**

Mayor Edwards asked for a general moment of silence for our police, fire and first responders and our military men and women. Additionally, a video of the past year's experiences of the Pineville Volunteer Fire Dept. was shown as a way of recognizing all that they do. Last year alone they received a total of 2800 calls for service.

#### **ORDER OF BUSINESS:**

#### Adoption of the Agenda:

Council Member Debbie Fowler moved to adopt the agenda as is, with Mayor Pro Tem David Phillips seconding the motion. There were ayes by all and agenda was adopted as is.

### Approval of the Minutes from the Regular and Closed Session Meeting of February 12, 2019 and the Work Session Minutes of February 26, 2019.

Hearing no requests for changes and no comments on the minutes, Council Member Joe Maxim moved to approve all sets as is, seconded by Council Member Melissa Davis. There were ayes by all and the minutes were adopted as is.

#### Consent Agenda:

The Consent Agenda consisted of the following items: a) Financial Report as of February 28, 2019; b) Resolution No. 2019-02; c) Tax Refund; and d) Census Volunteer. Council Member Debbie Fowler moved to approve the Consent Agenda as is, with Council Member Melissa Davis seconding the motion. There were ayes by all and the motion passed 4-0.

#### **PUBLIC COMMENT:**

Dan Sacs – Mr. Dan Sacs of Bishops Gate Blvd. thanked Council for reconsidering and deciding to put the issue of districting out to referendum for a vote by the people. Regarding the parking issue that was addressed at the last meeting, he felt that there was a justified concern from the owners of larger vehicles of where to park their vehicle but hoped that Council would consider the safety side of the issue as well.

Jane Shutt – Jane Shutt of the Pineville Neighbors Place thanked all who attended their first fund raiser dinner at Pineville United Methodist Church. They had expected 120 people but 180 actually showed up. They raised a total of \$15K. The team helped a total of 80 people during the month of February assisting with food, rent and utility bills.

#### **OLD BUSINESS:**

A. Districting (Ryan Spitzer/Mayor Pro Tem Phillips). Town Manager, Ryan Spitzer, explained to all that Council had reconsidered the districting proposal and had determined the best way to handle the issue was to put it to referendum so that people could vote on it. Mayor Pro Tem Phillips stated that it had caused issues between the residents and himself and was glad that council agreed to look at it again. He was sorry it had gotten to this level but in the end, he wanted to do what the voters wanted and that was to allow them to vote on it.

Council Member Melissa Davis commented on some of the remarks made at last month's meeting and wanted people to understand that districting had been mentioned in the past and at their retreat but not to the extent that it has been recently and that as the town continues to grow, it was important that all areas of it be represented. She noted that a flyer had been created and only distributed to certain neighborhoods which, she pointed out, was the kind of thing that further divided neighborhoods. She encouraged people to continue to attend meetings and reminded them that Council was there to represent them.

Mayor Edwards stated that it was nice that council came together to reconsider the options and do what was best for the voters. He is not against districts; he believes it brings in new bodies with fresh ideas. He thanked everyone for their comments and passion regarding the issue.

Council Member Joe Maxim, stated that Council Member Phillip's remarks were the culmination of council coming together to work things out and to do what's right to bring the town together. He was appreciative of the time and discussions they had together. Mayor Pro Tem Phillips then moved to put the issue of districting to referendum to be put on the November ballot. Council Member Debbie Fowler seconded the motion and there were ayes by all. The audience showed their appreciation by giving Council a round of applause.

#### **NEW BUSINESS:**

- A. Urban Archery (Ryan Spitzer) Manager Spitzer stated that each year it was necessary to notify the North Carolina Wildlife Resources Commission if the Town intended to renew its application for Urban Archery for the next season (2020). A short discussion followed. Hunting during the Urban Archery season is only permitted on one piece of property in town and that the piece is across from the McCullough neighborhood owned by Mr. Miller who is shopping around to sell that property eventually. There was one individual that signed up for the 2019 season. Mayor Pro Tem Phillips stated that he realized there was only one piece of land left to hunt on but asked to continue the program at least for one more year. He motioned to renew the Urban Archery program in Pineville for the 2020 season. Council Member Maxim seconded the motion and there were ayes by all to allow Urban Archery for another season.
- B. Adoption of Records Retention Schedule (Barbara Monticello) Town Clerk, Barbara Monticello, stated that the NC Department of Cultural Resources recently made changes to various sections of the Local Records Retention Schedule. Once the changes are published, each town must sign off on them and send the signature page to Raleigh so they have record that the town acknowledged and approved the changes. Council Member Debbie Fowler moved to approve the changes, with Council Member Melissa Davis

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seconding the motion. There were ayes by all and the new Records Retention Schedule was approved.

- C. Resolution No. 2019-03 (Mayor Edwards) Mayor Edwards stated that Pineville only gets 1/10 of a percent back from all sales taxes collected by the county. Since Pineville generates a lot of sales tax revenue due to all of the retail/restaurant/hotel businesses it has, and it's not getting its fair share of the revenues, a ¼ percent sales tax is being proposed that only Pineville will receive. The tax will be on food/restaurants, hotel stays, and consumer goods. The money collected can be used for road improvements and other infrastructure projects. The resolution has to pass through the Senate and the House and without it and the support of council members, it won't happen. This will also be on the November ballot for residents to vote on. Council Member Joe Maxim moved to approve the resolution in support of a local sales tax, with Council Member Debbie Fowler seconding the motion. There were ayes by all and the motion passed 4-0.
- **D.** Staff Update: (Ryan Spitzer) Town Manager, Ryan Spitzer, reported on the following items:
  - The right-hand turn lane on Franklin should be completed next Friday
  - Footers are in for the Splash Pad building; county has to inspect every four feet
  - Belle Johnston gym floor was ripped out last week; concrete is drying out; vapor barrier applied to ¾ of the area so far
  - Council agreed on rendering #3 for the placement of the logos on the new flooring
  - There will be a Work Session on March 25<sup>th</sup> to go over pre-budget items and discuss increase in county fees (tipping fees and development fees)

Council Member Joe Maxim asked if the Splash Pad was still on schedule to open for Memorial Weekend. Mr. Spitzer replied that it was still schedule to open on May 24th. Mayor Pro Tem Phillips asked if there was any new water from recent rains that hit the gym floor. Mr. Spitzer replied that there was no additional water and no mold was found either, just wet concrete.

Mayor Edwards reminded the group that Budget Meetings were scheduled for the 1st, 8th, 15th and 16th of April. Paws in the Park will be on Saturday, April 6th, the kids Easter Egg Hunt was slated for Saturday, April 13th and the annual Junk Week was scheduled for the week of April 22th through the 26th.

Mayor Edwards called for a recess at 7:29 p.m. before moving into Closed Session.

<u>CLOSED SESSION:</u> At 7:47 p.m. a motion was made and seconded to enter Closed Session. There were ayes by all and Council was in Closed Session. An on-going real estate project was discussed with plans becoming firmer as a preliminary proposal for the project was presented. There will be several options that Council will need to consider in the near future and DFI will be back to help sort things out. In the meantime, the consensus of council was to continue to move forward with the initial proposal. Mayor Pro Tem Phillips motioned to end the Closed Session at 8:30 p.m., seconded by Council Member Maxim. There were ayes by all and Council moved back into Open Session.

ADJOURNMENT: Having no further business, Council Member Melissa Davis moved to adjourn the meeting with Mayor Pro Tem David Phillips seconding the motion. There were ayes by all and the meeting adjourned at 8:34 p.m.

	Mayor Jack Edwards
ATTEST: Barbara Monticello, Town Clerk	
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# MINUTES OF THE TOWN COUNCIL WORK SESSION OF MONDAY, MARCH 25, 2019 · 6:00 P.M. 118 COLLEGE ST., PINEVILLE, NC

The Town Council of the Town of Pineville, NC, met in a Work Session on Monday, March 25, 2019 at 6:00 p.m. at the Pineville Telephone/Election Co. located at 118 College St. in Pineville.

#### ATTENDANCE

Mayor: Jack Edwards

Mayor Pro-Tem: David Phillips (arrived later in the meeting)
Council Members: Melissa Davis, Debbie Fowler and Joe Maxim

Town Manager: Ryan Spitzer Town Clerk: Barbara Monticello Finance Director: Richard Dixon

Parks and Recreation Director: Kristy Detwiler

Parks and Recreation Athletic Coordinator: Erin Hamilton

Police Chief: Rob Merchant

Attendees: Electricities Representative, Charity Barbee

#### **CALL TO ORDER**

Mayor Edwards called the meeting to order at 6:00 p.m. A motion was made by Council Member Joe Maxim and seconded by Council Member Melissa Davis to accept the agenda as is. There were ayes by all and the meeting was opened.

#### **DISCUSSION ITEMS:**

A. Economic Development Presentation: Charity Barbee, part of the Economic Development Team at Electricities, gave a Power Point presentation on the services they offer towns to help develop their economies. Ms. Barbee outlined some of the misunderstandings about retail, touched on branding and marketing for commercial businesses and informed the Council on the three demographic factors economic development is based on: income, population and traffic. Ms. Barbee highlighted the current state of retail and what is being called the "Retail Apocalypse" – the misconception that brick and mortar retail stores are on the way out. She noted that only 10% of purchases are actually made online.

Face-to-face customer service is in demand, pop up merchant opportunities are popular, as are trunk shows. Entertainment is big right now. People want to do things – they want an experience. Electricities works in partnership with Retail Strategies, offering a full-service economic development program to cities and towns or a less expensive program called the Retail Academy with spots for this new program already filled. Other cities are coming together (FUSE) to purchase acreage to redevelop the property.

Council Members had questions for Ms. Barbee as to the types of businesses that would fit under this retail umbrella. Would companies like WeWork, Industrius or companies sharing admin space be part of the mix or even grocery stores? Council Member Melissa Davis asked what retail could be brought to Pineville that it didn't already have? Would the program help to fill empty stores at the mall or address security issues at malls

these days? Ms. Barbee explained that the types of businesses that would do well are different for each town. She noted that Walgreens is the #1 growing retailer in America and that every 5 hours a dollar store of some type opens. Food and beverage are also huge right now with Starbucks taking the #1 spot for growth in America followed by places like Jersey Mikes, Chic-fil-a and Dominos pizza. Not all personalities are suited for retail recruitment so that's where their expertise comes in. The town pays for this service; someone from the town assists with available properties for sale and/or lease and the Electricities Economic Development team determines just what retail stores would be a good fit for Pineville and zeros in on recruiting those retailers. Council Member Debbie Fowler suggested going with a full-service program contract for three years.

Council asked Ms. Barbee to send the presentation to Ryan so that they could review it again as well as her contact information. Mr. Spitzer informed Council that he had thrown Pineville's name in the hat for a possible spot at the next Retail Academy. Ms. Barbee also offered to do a mini training session if need be.

- B. Mint Hill Dispatch Contract: Chief Merchant updated the council on the contract for Dispatch Services provided to Mint Hill. The current contract expires June 30, 2019 but was extended for one (1) year at the current increase percentage of 7% per year. Mint Hill wants to continue to utilize our dispatch services but their Town Manager would like to pay a flat fee of \$150,000 per year for our services. Mayor Pro-Tem David Phillips asked if it made the town money. Chief Merchant advised that it did but that staffing costs accounted for the bulk of the cost, as we are legally required to staff at least two operators. Mayor Pro-Tem David Phillips expressed that he would like to have the contract increase by 3% each year, but would be OK with it at 2%. Council member Melissa Davis would like negotiations to start at 4% and work down from there.
- C. Revenue Projections: Town Manager, Ryan Spitzer updated the council on revenue projections impacted by the recent revaluation by Mecklenburg County. If nothing is changed with the current tax rate at \$0.38, we will have an increase of revenue of over \$3.4 million. To get to a revenue-neutral number, the tax rate would need to be reduced to \$0.27. A total of \$203,000 in revenue is lost for every penny that is dropped. Finance Director, Richard Dixon advised that the final number on the percentage of appeals would not be available until May. Council member Joe Maxim urged council to consider the possible ramifications of the quarter percent sales tax on the referendum as well.
- D. Land Development Fees: Town Manager, Ryan Spitzer, stated that all six towns in Mecklenburg County paid the county to provide them building inspections, storm water inspections and permitting but Huntersville is pulling out to provide and manage these services themselves. Because of this, LUESA stands to lose 50% of their revenue unless they raise land development fees. Council Member Debbie Fowler asked if LUESA was doing a good job for us to which Mr. Spitzer replied that we would need to hire five additional people to take on the responsibilities the county currently provides to us.
- E. Splash Pad: Town Manager, Ryan Spitzer, stated that since it was getting closer to the opening of the Splash Pad, it was necessary for Council to decide what regulations would be in place for the opening over Memorial Day weekend. Mayor Pro Tem David Phillips wanted to know if it would require another person to operate the Splash Pad he wanted to keep it affordable and not have to charge residents a fee to use it. The Splash Pad can only hold 100 people and he asked what we would do if capacity extended beyond 100 and there was no one there to regulate it.

Athletic Coordinator, Erin Hamilton, noted that Kannapolis experienced a disaster the first year their splash pad opened with no regulations in place. Their capacity limit is 200 with 100 dedicated to reservations and the other 100 for general use. Council Member Melissa Davis stated she was opposed to charging residents a fee but was not opposed to charging non-residents a fee. She did not believe the splash pad required another employee but thought it could be managed effectively if staffing was rearranged. Council Member Joe Maxim suggested operating hours between 10:00 a.m. to 7:00 p.m. Discussion continued regarding rental of the

splash pad, daycare groups using the facility and hours of operation. Council Member Maxim reminded council that the more difficult the rules are made, the more difficult it will be to monitor them.

Manager Spitzer recapped what was discussed: Splash Pad will be open from 10:00 a.m. until 7:00 p.m. Monday through Saturday and 1:00 p.m. until 6:00 p.m. on Sundays. The pad will be open from Memorial Day to Labor Day and only on the weekends when school is still in session (using CMS schedule). Weekends will be reserved for residents use only. There will be limited days that it will be available for rental, a cost associated with renting the facility, and a limit on the size of the groups that can use it. Council asked to see a set of draft rules by the April 9th Council Meeting. Mr. Spitzer agreed to have a draft set of rules prepared for the April Council Meeting and a finalized set by the Work Session of April 22nd so that we will be "ready to roll" for May.

#### F. Additional Items Discussed:

- Partnering with Supersod to cut the grass at the Police Department by robot testing a pilot program.
   Responding to a question as to whether the town was cutting state-maintained areas, Mr. Spitzer affirmed that we were but that the state was paying us \$5K to cut it even though it costs us \$18K.
   We're cutting it because the state won't. We cut it about 20 times between April and October.
   Council Member Davis stated that we needed to talk to our Senator about that.
- PD was not monitoring cameras at Lake Park for the past four months. They had been trained but none remembered how to view the cameras.
- Council Member Davis asked that Chief Merchant check into what it cost CMPD to equip their police vehicles. Would like to know before we start budgeting process.

<u>ADJOURNMENT:</u> There being no further business to discuss, a motion was made by council member Melissa Davis and seconded by Mayor Pro-Tem Phillips to adjourn at 8:46 PM. There were ayes by all and the meeting adjourned.

	Jack Edwards, Mayor
ATTEST:	
Barbara Monticello, Town Clerk	

### **CONSENT AGENDA ITEMS**

- a) Financial Report as of 3/31/19
- b) Proclamations for: National Police Week, Public Works Week, and Municipal Clerks Week

#### Town of Pineville Budget vs. Actual 3/31/2019

		<u>Budget</u>	<u>Actual</u>	% of Budget
Revenues				
	Property Tax	\$ 6,475,000	\$ 6,652,980	102.75%
	Prepared Food Tax	625,000	735,088	117.61%
	Room Occupancy	590,000	396,357	67.18%
	Franchise Tax	900,000	782,436	86.94%
	Sales Tax	1,200,000	1,107,331	92.28%
	Storm Water	405,000	277,316	68.47%
	Powell Bill	201,760	207,614	102.90%
	Other	1,426,735	1,435,007	100.58%
	Appropriated F/B - Cultural Reserve	68,000	68,000	100.00%
	Appropriated F/B - Restricted Police	166,000	166,000	100.00%
	Appropriated F/B General	682,925	682,925	100.00%
	Total	\$ 12,740,420	\$ 12,511,054	98.20%
Expenditu	res			
	Governing Board	\$ 210,861	\$ 215,487	102.19%
	Administration	792,274	487,783	61.57%
	Zoning	329,513	228,851	69.45%
	Police	5,142,487	3,859,920	75.06%
	Fire	2,097,600	1,892,218	90.21%
	Public Works	711,005	483,495	68.00%
	Storm Water	422,488	306,722	72.60%
	Powell Bill	594,000	469,149	78.98%
	Sanitation	437,750	308,394	70.45%
	Recreation	576,139	306,630	53.22%
	Cultural/Tourism	1,334,503	1,074,763	80.54%
	Cemetery	4,000	2,949	73.73%
	Contingency	87,800	-	0.00%
	Total	\$ 12,740,420	\$ 9,636,361	75.64%

#### **Town Of Pineville**

### Johnston Road Realignment 3/31/19

	FY17	FY18	FY19	Total Project	Project Budget
Road Realignment Revenue					
DOT grant	-	-	-	-	
General Fund Balance				1,957,000	1,957,000
Total Road Realignment Revenue	•	-	-	1,957,000	1,957,000
·					
<b>Road Realignment Expense</b>					
Land/Building	-	731,228	6,586	737,814	725,000
Engineering	-	74,089	32,018	106,107	307,000
Construction	-	-		74C	925,000
Total Road Realignment Expense		805,317	38,603	843,920	1,957,000

#### Town Of Pineville Splash Pad/Dog Park 3/31/19

	FY17	FY18	FY19	Total Project	Project Budget
Cultural & Tourism Reserves	-			361,460	361,460
Part F Grant			74,017	361,460	361,460
Total Part F Grant Revenue	<u>-</u>	-	74,017	722,920	722,920
Part F Grant Expense 6201.7200.70 6201.7400.70	32,656	61,816	118,515 118,754	212,987 118,754	722,920
Total Part F Grant Expense	32,656	61,816	237,269	331,741	722,920

#### Town of Pineville Electric Fund 3/31/2019

				%
_		<u>Budget</u>	<u>Actual</u>	of Budget
Revenues	Electric	12,984,851	9,235,008	71.12%
Expenditu	res			
	Administration & Billing Support	468,371	383,121	81.80%
	Purchased electricity	9,146,980	6,187,027	67.64%
	Operations and Maintenance	3,369,500	1,288,262	38.23%
	Total	12,984,851	7,858,410	60.52%

#### Town of Pineville ILEC Telephone Fund 3/31/2019

			%
	<u>Budget</u>	<u>Actual</u>	of Budget
Revenues			
Revenues	1,604,540	1,179,685	73.52%
Telephone Reserves	1,510,610	1,510,610	100.00%
Total Revenue	3,115,150	2,690,295	86.36%
Expenditures			
Operating Transfer Out	499,357	-	0.00%
Operating Expenses	1,216,043	861,083	70.81%
Plant under Construction	1,399,750	54,193	<u>3.87%</u>
Total	3,115,150	915,276	29.38%

#### Town of Pineville CLEC Telephone Fund 3/31/2019

			%
	<u>Budget</u>	<u>Actual</u>	of Budget
Revenues			
Revenue	999,254	826,067	82.67%
Transfer from ILEC	499,357		0.00%
Total	1,498,611	826,067	55.12%
Expenditures			
Operating Expenses	1,347,211	1,193,636	88.60%
Plant under Construction	151,400		0.00%
Total	1,498,611	1,193,636	79.65%

### Memorandum



To:

Mayor and Town Council

From:

Barbara Monticello

Date:

4/3/2019

Re:

Consent Agenda Item: Proclamations for National Police Week, Public Works Week and Municipal Clerks Week

Each year at this time, we like to recognize certain employees for the work that they do including law enforcement, public works and municipal clerks.

#### **NATIONAL POLICE WEEK**

Attached is a proclamation designating the week of May 12 - May 18, 2019 as National Police Week and May 15<sup>th</sup> as Peace Officers' Memorial Day. As you know, the Pineville Police Department plays a vital role in protecting the rights and freedom of its citizens. The men and women of our police force work around the clock to protect the community against violence and crime to insure the safety of its residents.

Additionally, May 15th is Peace Officers' Memorial Day honoring those law enforcement officers who have lost their lives or have become disabled in the line of duty. It is important that citizens understand the sacrifices that are made and the hazards that are faced each and every day by these courageous men and women that protect our communities.

#### **PUBLIC WORKS WEEK**

This year, the week of May  $19^{th} - 25^{th}$  has been designated as National Public Works Week and this year's theme is, "It Starts Here". When you sit down and think about it, just about everything does start with Public Works: *infrastructure, mobility, a healthy community* – all brought about by the efforts of Public Works employees. The bottom line is that a citizen's quality of life starts with Public Works.

Each day these folks work hard to ensure that the town runs smoothly and looks good. They assist whenever and wherever needed; whether it's helping with trash pickup and debris removal or aiding with water and sewer issues. They keep the roads, sidewalks and public areas neat and well-maintained making Pineville a comfortable, healthy and safe place in which to live.

#### **MUNICIPAL CLERKS WEEK**

The office of the Municipal Clerk is one of the oldest among public servants. The role of the clerk has changed over the years but it is still a vital part of local government. The Clerk serves as the Historian and information center for the local government, acting as the link between citizens, local governing bodies and other agencies. The week of May 5<sup>th</sup> – 11<sup>th</sup> has been declared as Municipal Clerks Week for 2019 and it is also the 50<sup>th</sup> anniversary of Municipal Clerk's Week.

**Action Requested:** Council approve the proclamations recognizing National Police Week, Public Works Week and Municipal Clerks Week.



### DECLARING THE WEEK

12 8, 2019 AS NATIONAL POLICE WEEK MA, 15TH AS PEACE OFFICER'S DAY

WHEREAS, The Congress and President of the United States have designated the week of May 12-18, 2019 as National Police week and May 15th as Peace Officers' Memorial Day; and

WHEREAS, the members of the law enforcement agency of the Town of Pineville play an essential role in safeguarding the rights and freedoms of its citizens; and

WHEREAS, it is important that citizens know and understand the duties, responsibilities, hazards and sacrifices that the members of our law enforcement agency make each day to protect us against violence and disorder, deception and oppression; and

WHEREAS, the men and women of the Pineville Police Department unwaveringly provide a vital public service; and

NOW, THEREFORE, WE THE TOWN COUNCIL AND MAYOR OF THE TOWN OF PINEVILLE, NC call upon its citizens and upon all civic and educational organizations to observe the week of May 12-18,2019 as National Police Week by honoring those loyal and devoted law enforcement officers, past and present, who are dedicated to preserving the rights and security of all.

WE FURTHER CALL UPON the citizens of Pineville to observe May 15th as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty and let us recognize and pay respect to the survivors of our fallen heroes.

IN WITNESS WHEREOF, we have hereunto set our hand and caused the GREAT SEAL OF PINEVILLE to be affixed this 9th day of April in the year of our Lord two thousand and nineteen.

Mayor Ja	ack Edwards
Mayor Pro-Tem David Phillips	Council Member, Debbie Fowler
Council Member, Melissa Davis	Council Member Joe Maxim



# TOWN OF PINEVILLE PROCLAMATION DECLARING MAY 19-25, 2019 NATIONAL PUBLIC WORKS WEEK IN PINEVILLE N.C.

that the link ping the town running smoothly and looking good; and

WHEREAS, the public works services provided in our community are an integral part of keeping the community a healthy, safe; and comfortable place in which to live; and

WHEREAS, our employees are dedicated to serving the neighborhoods of Pineville by assisting in waste collection, keeping our water and sewer systems flowing and maintaining streets, sidewalks, and public areas; and

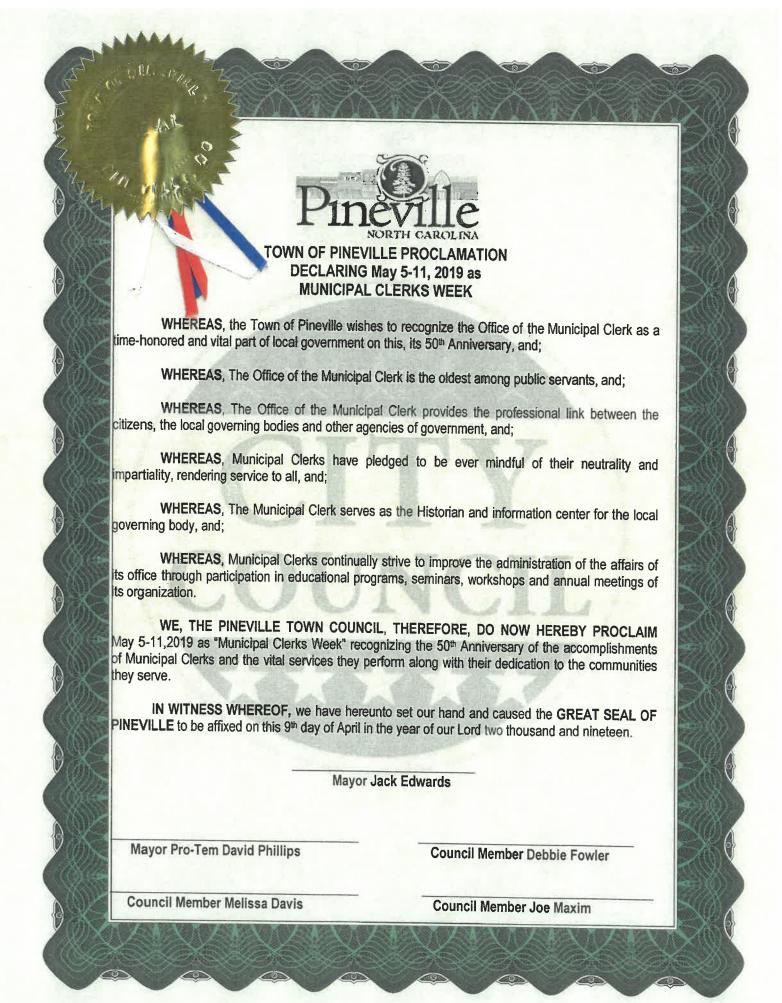
WHEREAS, our public works program is a community asset that contributes to the quality of life and well-being of our citizens; and

WHEREAS, the support and understanding of informed citizens is a vital part of efficient operations by dedicated and skilled public works officials in their planning, design, and construction efforts;

WE, THEREFORE, DO NOW HEREBY PROCLAIM May 19-25, 2019 as "National Public Works Week" in an effort to acquaint citizens with the issues involved in providing services to residents and recognizing the contributions which public works employees make every day to our health, safety, comfort and quality of life.

IN WITNESS WHEREOF, we have hereunto set our hand and caused the GREAT SEAL OF PINEVILLE to be affixed on this 9th day of April in the year of our Lord two thousand and nineteen.

1	Mayor Jack Edwards
Mayor Pro David Phillips	Council Member Debbie Fowler
Council Member Melissa Davis	Council Member Joe Maxim



### **OLD BUSINESS**

A. Proposed Amendments to Town Code for On-Street Parking

### Memorandum



To: Town Council and Planning Board

From: Travis Morgan

Date: 4/9/2019

Re: Tractor Trailer Street Parking Clarification (Discussion Item)

Staff Update: Staff has meet with the concerned resident and updated the proposed updates for on street parking to clarify what is permitted. Vehicles above 10,000 pounds, vehicles bodies wider than 90 inches, or vans larger than 15 passenger are not permitted for on street parking. The same 15' free and clear travel lane still applies so in some places on street parking still isn't permitted where the road is too narrow. The proposal is a clarification and relaxes current language up from 80 inches and 5,000 pounds to 90 inches and 10,000 pounds.

#### Proposed:

#### **TOWN CODE:**

#### 72.14 ON STREET PARKING AND VEHICLES IN EXCESS OF 90 INCHES IN WIDTH.

- (A) It shall be unlawful for any person to park any vehicle, trailer, material, or equipment which shall have a width in excess of 90 inches, and/or any commercial vehicle, and/or any vehicle over ten thousand (10,000) pounds upon any street or street right-of-way within the town.
  - (B) Section A shall not apply to vehicles used in association with any government approved roadway or utility project such as road repaving or where specifically designed and approved for on street commercial vehicle parking/loading as approved by Pineville Town Council.

#### **Definition added:**

Commercial Vehicle: Any vehicle or equipment other than a customary residential two or four door passenger car, pick-up truck, Sport Utility Vehicle (SUV) or passenger van over 15 passengers.

#### **ZONING ORDINANCE:**

#### 7.21.2 Commercial Vehicles

For any residential zoning use or residential zoned property, commercial vehicles shall be prohibited unless where otherwise permitted in the Town Code. See also Town Code 72.04.

This requirement shall not be interpreted to prohibit vehicles used in association with moving activities such as loading and unloading household goods limited to a period not to exceed twenty-four (24) hours or vehicles in association with an active construction project with valid and approved building permits.

No residentially-developed lot may be used as the base of operation for any freight hauling truck.

#### **Definition added:**

Commercial Vehicle: Any vehicle or equipment other than a customary residential two or four door passenger car, pick-up truck, Sport Utility Vehicle (SUV) or passenger van over 15 passengers.

#### **STAFF COMMENTS:**

Staff has updated the numbers to reflect larger passenger vehicles today. We have also added a definition of commercial vehicle to help clarify the language and enforcement as well. Allowances for temporary moving trucks and vehicles used for construction projects was also included. These updates are to the zoning ordinance and town code. Zoning ordinance defaults to allowed vehicles in the front side and rear yard that we previously approved under the town code 72.04 so no changes in allowances there. Staff welcomes any feedback or recommendations.

#### PROCEDURE:

This is currently a discussion item. The Town Code is a stand-alone ordinance and does not require Planning Board review but any input is welcome. Planning Board recommendation is needed for Zoning Ordinance amendments. This is the public hearing for Council and/or Planning Board to gain input from staff, public, and the applicant about the proposal. This meeting is to familiarize you with the request and to hear any public comment.

#### **NCDOT Definitions**

- (2a) Class A Motor Vehicle. A combination of motor vehicles that meets either of the following descriptions: a. Has a combined GVWR of at least 26,001 pounds and includes as part of the combination a towed unit that has a GVWR of at least 10,001 pounds. b. Has a combined GVWR of less than 26,001 pounds and includes as part of the combination a towed unit that has a GVWR of at least 10,001 pounds.
- (2b) Class B Motor Vehicle. Any of the following: a. A single motor vehicle that has a GVWR of at least 26,001 pounds. b. A combination of motor vehicles that includes as part of the combination a towing unit that has a GVWR of at least 26,001 pounds and a towed unit that has a GVWR of less than 10,001 pounds.
- (2c) Class C Motor Vehicle. Any of the following: a. A single motor vehicle not included in Class B. b. A combination of motor vehicles not included in Class A or Class B.

#### **ORDINANCE NO. 2019-01**

# AN ORDINANCE AMENDING CHAPTER 72 AT SECTION 72.14, TO CLARIFY LANGUAGE AND ADD DEFINITION TO STRENGTHEN AND ENHANCE PARKING REGULATIONS

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PINEVILLE, NORTH CAROLINA:

SECTION 1. That Chapter 72, Stopping, Standing and Parking; at Section 72.14, VEHICLES IN EXCESS OF 80 INCHES, is amended as follows:

#### §72.14 ON STREET PARKING AND VEHICLES IN EXCESS OF 90 INCHES IN WIDTH.

- (A) It shall be unlawful for any person to park any vehicle, trailer, material, or equipment which shall have a width in excess of 90 inches, and/or any commercial vehicle, and/or any vehicle over ten thousand (10,000) pounds upon any street or street right-of-way within the town.
  - (B) Section A shall not apply to vehicles used in association with any government approved roadway or utility project such as road repaving or where specifically designed and approved for on street commercial vehicle parking/loading as approved by Pineville Town Council.

#### **Definition added:**

Commercial Vehicle: Any vehicle or equipment other than a customary residential four door passenger car, pick-up truck, Sport Utility Vehicle (SUV) or passenger van over 15 passengers.

ECTION 2.	This section of	the Ordinance shall beco	me effective on, 2	019.
ADO	PTED this	day of	2019.	
ATTEST:			Mayor, Jack Edward	s
	, Barbara Montic	ello		

### **NEW BUSINESS**

- A. Municipal Election Filing Fees
- **B.** Presentation of Proposed Garbage Ordinance
- C. Citizen's Transit Advisory Group
- D. Staff Update:
  - 1) Manager's Report
  - 2) Calendar of Events

### Memorandum

To: Mayor and Town Council

From: Barbara Monticello

**Date:** 4/3/2019

Re: New Business: Election Filing Fees



Each year before a Municipal Election, we must send written notification to the Mecklenburg County Board of Elections of what the town's filing fees will be for the upcoming November election. The filing fees are currently \$6.00 for Mayor and \$5.00 for a seat on Council. Council may elect to keep the fees as is or change them if it desires.

Action Requested: Approve current or revised filing fees so the clerk can provide written notice to Mecklenburg County Board of Elections.

Carol Hill Williams Chairperson

Elizabeth M. McDowell Secretary

Beverly Earle Member

John Gresham Member

Mary Potter Summa Member



Michael G. Dickerson Director of Elections

#### MECKLENBURG COUNTY

Board of Elections

March 12, 2019

Mr. Ryan Spitzer Town Manager Post Office Box 249 Pineville, North Carolina 28134

Dear Mr. Brice,

Enclosed you will find the list of "Dates & Deadlines" for the 2019 Municipal Elections to be held in Mecklenburg County. As outlined in General Statute §163A-1620(e)(§163-294.2(e)), the filing fees for Mayor and Town Commissioners are determined by the governing board.

The filing fees for Pineville in 2017 were as follows:

Mayor

\$6.00

Town Council

\$5.00

Please provide written confirmation of your filing fees once determined. Filing begins Friday, July 5, 2019 at 12:00pm. If you have any questions, do not hesitate to contact me at 704-336-2133. Thank you for your attention to this matter.

Sincerely yours,

Michael Dickerson

Director

Mecklenburg County

Board of Elections

Enclosure

cc: Members, Board of Elections

### Memorandum



To:

Mayor and Town Council

From: Ryan Spitzer

**Date:** 4/5/2019

Re:

Solid Waste Ordinance

#### Overview:

The Town has had a trash policy for the past several years as an introductory step, but we need to approve the solid waste policy in to our ordinances in order to properly enforce it as well as to set fines. The current ordinace is Section 51 of the Town Code. An updated ordinance is attached.

#### **Attachments:**

Old Ordinance New Ordinance

#### **Recommendation:**

Staff welcomes any comments or modifications

#### Procedure:

This is currently a discussion/action item. The Town Code does not require Planning Board review. This is the public hearing for Council to gain input from staff and the public about the proposal.

#### Sec. 51.01 Collection Generally

Collection of solid waste shall be in accordance with the current contract which the town has negotiated and is available and on file in the Town Clerk's office for inspection.

#### Sec. 51.02 Duty of Business Owners, Occupants

- (A) Generally. The owner or occupant of any store or other place of business situated within the town shall at all times keep his or her premises clean of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials thrown or left on the premises by his, her or its customers, and take reasonable measures to prevent the same from drifting or blowing to adjoining premises.
- (B) *Receptacles*. Receptacles of sufficient size and number shall be placed on the premises accessible to the customers of the business where the above referred-to articles of waste may be disposed of.

#### Sec. 51.03 Maintenance of Property

- (A) All contractors, subcontractors, utility companies or other individuals who are in the course of building, remodeling, repairing, maintaining or demolishing any structure, public roadway, easement or equipment shall be responsible for the disposal of their building material scraps, garbage, refuse, solid waste and tree trimmings.
- (B) If the provisions of this section are not complied with, the Town Manager or his/her designee shall serve written notice upon the violator to comply with the provisions of this chapter.
- (C) If the violator fails, neglects or refuses to dispose of the offending materials, the Town Manager or his/her designee shall cause the materials to be disposed of and bill the violator for the actual cost of removal, plus 5% for additional costs in connection therewith.

#### Sec. 51.04 Enforcement.

- (A) In addition to any remedies provided by general law to the town to enforce this chapter, a violation of any section under this chapter shall be punishable in accordance with section 62.45 **Penalty**
- (B) The Town Manager will have the discretion to refuse service to individuals or properties who repeatedly violate this ordinace.

#### Sec. 51.05 Damaging, displacing, interfering with containers prohibited.

It shall be unlawful for any person to damage, displace or otherwise interfere with garbage containers or their contents except the owner or upon permission or at the request of the owner.

#### Sec. 51.06 Accumulation of garbage and refuse prohibited.

All garbage and refuse shall be collected and placed in containers as required by this chapter, and it shall be unlawful for any person to permit garbage or refuse to accumulate or remain on any premises longer than is reasonably necessary to remove and deposit the garbage or refuse in approved containers as required in this chapter.

### Sec. 51.07 Placement and collection of yard waste in quantities too great to be placed in a container.

- (A) These materials in quantities too great to be placed in containers shall be placed in piles by the occupant for collection at the front of the premises in the grass strip between the street and the sidewalk where such strip is available, or they shall be placed off that portion of the street right-of-way normally used by vehicles.
- (B) Tree limbs and cuttings of shrubbery of more than four cubic yards or one pickup load must be removed by the property owner or occupant. Tree limbs and shrubs shall not be longer than four feet in length nor more than six inches in diameter. Leaves and grass clippings should be piled separate from limbs and other larger materials. Such materials listed in this section shall be collected and removed by the town or its contractor only where an individual person in the town is doing improvement work without employing an independent builder, contractor or laborer to properties located in the town.
- (C) When piles of tree limbs or shrubbery in excess of one pickup load or in excess the allowable length and diameter are not removed by the property owner or occupant, removal may be accomplished by the town as specified section 51.03 (C).

#### • Sec. 51.08 Containers required; specifications.

- (A) Every residential unit, unless specified otherwise in this chapter, shall be provided a rollout cart. Such rollout cart is not to be removed from the premises to which it is assigned. All rollout carts shall be subject to the approval of the director of public works or his designee.
- (B) Every person shall dispose of garbage in a clean and sanitary manner by placing it in bags before putting it in the rollout container. Offal and fecal material must also be placed in a plastic bag before being placed in the rollout cart.
- (C) It shall be the responsibility of the householder or commercial establishment to maintain proper care of the rollout cart. If the rollout cart is stolen or damaged from improper use or neglect, it shall be the responsibility of the householder or commercial establishment to replace the cart. If the cart is damaged by collection workers, the collector will repair or replace the cart. The collector shall have the authority to discontinue service when a cart becomes unserviceable and advise the householder or commercial establishment of such discontinuance.

- (D) The following types of material may cause damage to the rollout cart and shall not be deposited in the container: large motor parts, batteries, concrete blocks, tree stumps, ashes, charcoal, paints, solvents or other flammable materials.
- (E) No person shall interfere or otherwise deter the normal refuse collection process by tampering with refuse containers or their contents unless by permission of the sanitation superintendent or his representative, nor shall any person place any hazardous refuse in any collection receptacle.
- (F) The town will provide one recycling container per customer.

#### Sec. 51.09 Placement of Receptacles.

- (A) Receptacles are not permitted to be stored in the front yard; the front yard is defined as the area measured from the primary building façade and/or formal front door extended both outward to the side property boundaries and forward to a street right-of-way.
- (B) Receptacles shall not be placed on any alleyway, sidewalk, street or similar so as to be a hazard, block visibility, or accessibility of pedestrians or motorists.

#### Sec. 51.10 Location of containers for collection.

- (A) All refuse shall be placed at curbside for collection. Curbside refers to that portion of right-of-way adjacent to paved or traveled town roadways (including alleys). Containers shall be placed as close to the roadway as practicable without interfering with or endangering the movement of vehicles or pedestrians. When construction work is being performed in the right-of-way, containers shall be placed as close as practicable to an access point for the collection vehicle. The contractor may decline to collect any container not so placed.
- (B) Rollout carts should not be placed at the curb before 12:00am of the day of the scheduled pick-up date, and must be removed from the curb by 11:59pm of the day of the scheduled pick-up date.

#### Sec. 51.11 Storm drain obstruction.

It shall be unlawful for any person to place any refuse, trash, refuse receptacles or containers on, upon or over any storm drain or so close to a storm drain as to be drawn by the elements into the storm drain.

#### Sec. 51.12 Littering.

(A) It shall be unlawful for any person to scatter, cast, throw, place, sweep or deposit anywhere within the town any litter in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, body of water, sewer, parkway, lot, public property or private property. Any unauthorized accumulation of litter is declared to be a public nuisance and is prohibited.

(B) It shall be unlawful for a responsible person to operate a vehicle transporting loose materials within the town without a suitable cover.

#### Sec. 51.13 Illegal dumping.

It shall be unlawful to dispose or discard any litter on private property owned by someone else without their permission or on public property without specific approval from the town.

#### Sec. 51.14 Outside trash

It shall be unlawful for any person, firm, corporation, or similar to bring trash, refuse, rubbish, or other forms of waste generated outside of the Town into the Town for collection by the Town.

#### Sec. 51.15 Penalty

- (A) Violations of this section or any trash policy shall be given written notice of five days to correct violations of the above sections. Any person or property that neglects or refuses to remedy the condition after the five (5) day notice shall be fined \$50; after ten (10) days following the original notice of violation, if the violation has not been corrected, there shall be a fine of \$100 for every violation thereafter per calendar year. The Town may also take any necessary action to remedy the violation such as confiscating trash receptacles.
- (B) If the fine is not paid within thirty (30) days of the original fine, the penalty may be collected in a civil action in the nature of debt, including a lien placed on the property, collected as unpaid taxes in accordance with the North Carolina Debt Setoff program, NCGS or similar as permitted by state law.

#### Sec. 51.16 Method and Requirement for Service

- (A) The Town Manager or his designee shall be authorized to institute trash policies, guidelines, methods. And similar regulation(s) with respect to refuse collection such as agreed up on with any trash provider and/or trash collection agreement.
- (B) Trash collection shall adhere to adopted trash policy as set by the Town Manager.

### Memorandum

To: Mayor and Town Council

From: Barbara Monticello

**Date:** 4/3/2019

Re: New Business: Citizens' Transit Advisory Group



Each year the Council appoints representatives to various boards and committees as required by state law, town policy or agency regulations. This is typically done at the beginning of the year but some county committees/boards operate on a fiscal, rather than a calendar, year. There is a vacancy on the County's Citizens' Transit Advisory Group that was vacated by a resident that has since relocated leaving an unexpired term to be filled.

#### CITIZENS'TRANSIT ADVISORY GROUP:

The town was recently contacted by Charlotte's Office of the City Clerk about a vacancy on the Citizens' Transit Advisory Group vacated by a resident that has since relocated leaving an unexpired term to be filled until June 30, 2020. The Group meets on a monthly basis on the third Tuesday of each month and is responsible for reviewing and making recommendations on the Transit Program, the transit budget, proposed transit policies as well as engage in efforts to increase community awareness of the value of investing in public transit and provide feedback on community attitudes towards transit systems.

Action Requested: Appoint a resident to the advisory group above.



City of Charlotte, NC

#### CITIZENS' TRANSIT ADVISORY GROUP

#### BOARD DETAILS



The Citizens Transit Advisory Group (CTAG) is an advisory committee of the Metropolitan Transit Commission (MTC) that reviews the long-range transit system planning and proposed operating and capital programs from the community's perspective, and makes recommendations to the MTC.

CTAG responsibilities include: annual review, comment and recommendations with respect to the Transit Program and budget; review, comment and recommendations on proposed transit financial policies presented to the MTC for approval; review of corridor rapid transit adignments and technology plans recommendations coming out of preliminary engineering and environmental studies; engage in proactive efforts to seek and provide insights on community attitudes towards transit plans and system performance; annual review and comment on market research results; provide input and advice on increasing community awareness of transit-oriented land use planning and its relationship to the implementation of transit investments; and, engage in proactive efforts to increase awareness within the community and key stake-holders on the total value of investing in transit.

While CTAG is not a policy-making body, its recommendations to the MTC fulfill the requirement levied by the Interlocal Agreement that the MTC ensures public involvement in transit planning.



**COMMITTEE MEMBERS** 

13 Members (1 Co-Chair by Mayor, 1 Co-Chair by Chair of County Commission, 2 by Council, 2 by County, 1 by Board of Education, 1 by each 6 towns in Mecklenburg County (Cornelius, Davidson, Huntersville, Matthews, Mint Hill and Pineville).

MEMBERSHIP

Members may not be an elected official.

City appointees are subject to City Council's Attendance and Anti-Harassment Policies and Code of Ethics, Gift Policy and Disclosure Requirements for members of boards.

01 DOS

MEETING INFORMATION

Meeting Day: 3rd Tuesday monthly

Meeting Time: 7:30-9:00 a.m.

Meeting Location: Government Center (600 East 4th Street, CH-14)

Time Commitment: 2 hours monthly

**ADDITIONAL INFORMATION** 

Website: http://charlottenc.gov/cats/about/boards/Pages/CTAG.aspx

**BOARD HISTORY** 

**BOARD DOCUMENTS** 

**BOARD DOCUMENT (2)** 

BOARD DOCUMENTS (3)

**NOTES** 

Dates have been edited to have the same term end date of June 30th.LL

# April

2019 W

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
25	26	27	28	29	30	31
Budget Meeting 5:30 pm @ PD Training Room	2	3	4	5	Paws in the Park 10am- 3pm	7
8 Budget Meeting 5:30 pm @ PD Training Room	Council Meeting @ 6:30 p.m.	10	11	12	Easter Egg Hunt at the Park 11:00am	14
Budget Meeting 5:30 pm @ PD Training Room	Budget Meeting 5:30 pm @ PD Training Room	17	18	Good Friday  Offices  Closed	20	21 Easter
Work Session Meeting at 6:00 p.m. @ Pineville Tele Bldg	T TT	N K	25 W E	26 E K	27 PCAA Spring Fling 9am- 4pm	28
29	30	1	2	3	4	5

Notes:

REVISED





# May

2019

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
29	30	1	2	3	Community Yard Sale 7am - Noon @ Lake Park Dance 'n Que James K Pok 11am-3pm	5
6	7	8	9	10	11	12
13	Council Meeting 6:00 p.m. @ the Hut-Public Hearing for Budget	15	16	17	18	19
20	21	22	23	24	25	26
 Memorial Day Offices Closed	28	29	30	31	1	2
3	4	5	6	7	8	9

Notes: \*\*\* Work Session normally scheduled for 4th Monday of the month will need to be rescheduled.



### **CLOSED SESSION**

Discussion of matters pursuant to NCGS 143-318.11(4) (Economic Development)

# **ADJOURNMENT**